

Claim Rejections – 35 U.S.C. § 102

Applicant acknowledges the quotation of 35 U.S.C. § 102(b).

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gessler (US 4,599,166).

With reference to Fig. 1 of Gessler, the Office contends that Gessler describes a process for the purification of drinking water including an ozone system, 6 and 7, a tank with wastewater 1, and a recirculating system with redox control, 3, 8, and 4.

The present invention is directed to the decontamination of wastewater. Wastewater includes water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products.

Independent claim 1 of the present invention is limited to the treatment of wastewater. The limitations of Applicant's claims include collecting wastewater in a tank, transferring the wastewater from the tank to the ozone system, oxidizing the wastewater at the ozone system, transferring the oxidized wastewater to the tank, monitoring the amount of oxidation of the wastewater in the tank and recirculating the water through the ozone system until a desired oxidation level is reached. With this method, all the penetrant-laden wastewater recirculates from the tank to the ozone system and back to the tank until the desired oxidation level is obtained. With this method, none of the wastewater is re-used as rinse water or discarded until the ORP of all the wastewater in the tank meets the required level. The process claimed by the present invention prevents contaminated wastewater from leaving the tank regardless of the flow rate of the wastewater or the contamination level.

By contrast, Gessler does not teach a method adapted for the treatment of wastewater, but instead describes at col. 1, lines 49-55, a system which serves mainly for processing a water supply which basically has a good potability, but has been spoiled and greatly warmed by long standing in the heat. Potable water is by definition, suitable for drinking. The present invention discloses and claims a system for the treatment of wastewater, which can be broadly defined as sewage, which would not be considered to be of good potability. As such, Gessler teaches away from the present invention as claimed.

Gessler also states at col. 1, lines 42-44, that the present invention can be used for the additional purification of any raw water on hand. Raw water is defined to be water originating from streams, lakes, rain, well, and other natural sources of water. Raw water is not equivalent to wastewater, and as such, Gessler further teaches away from the processing of wastewater as disclosed and claimed by the present invention.

In addition, Gessler describes at col. 2, lines 24-28, with reference to Fig. 1, connection 9, which provides a connection between a raw water source and supply tank 1 and at col. 2, lines 50-52, a drain line 25 connected to a waste water line 26. With the method described by Gessler, wastewater is discharged through line 26, without being treated with ozone. Claim 1 of the present invention claims monitoring the amount of oxidation of the wastewater in the tank; and repeating the steps of transferring, oxidizing, returning and monitoring until the amount of oxidation reaches a predetermined level. Clearly, Gessler does not describe recirculating the wastewater resulting through drain line 25 back through the tank and subsequently through the ozonator 5. Gessler does not describe the reintroduction of the wastewater produced into the tank through connection 9, and as such the resulting wastewater is not treated with ozone and is instead discharged, untreated. As such, Gessler does not anticipate claim 1 of the present invention..

Gessler does not describe a method for treating wastewater comprising the steps of: providing an ozone system; transferring the penetrate-laden wastewater from the tank to the ozone system; oxidizing the wastewater at the ozone system; returning the oxidized wastewater to the tank; monitoring the amount of oxidation of the wastewater in the tank; and repeating the steps of transferring, oxidizing, returning and monitoring until the amount of oxidation reaches a predetermined level as claimed by the present invention. As such, independent claim 1 is not anticipated by Gessler and is believed to be in condition for allowance.

Claims 2-6 are dependent from independent claim 1 and are therefore allowable as a matter of law.

Claim Rejections – 35 U.S.C. § 103

Applicant acknowledges the quotation of 35 U.S.C. § 103(a).

Claims 7-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gessler (4,599,166) in view of Capehart (5,547,584). Independent claim 7 is not anticipated by Gessler for the reasons previously cited with regard to independent claim 1. As such, Gessler does not describe a method for treating wastewater comprising the steps of: collecting the pre-treated wastewater in a tank; providing an ozone system; transferring the penetrate-laden pre-treated wastewater from the tank to the ozone system; oxidizing the pre-treated wastewater at the ozone system; returning the oxidized wastewater to the tank; monitoring the amount of oxidation of the wastewater in the tank; and repeating the steps of transferring, oxidizing, returning and monitoring until the amount of oxidation reaches a predetermined level as claimed by the present invention.

As such, independent claim 7 is not obvious in view of Gessler, alone or in combination with Capehart and is therefore believed to be in condition for allowance.

Claims 8-12 are dependent from independent claim 7 and are therefore allowable as a matter of law.

Notice of Allowance is requested. Applicant is entitled to the *quid pro quo* promised to those who advance the useful arts.

Conclusion

Applicant agrees that the prior art made of record and not relied upon is not more pertinent to the applicant's disclosure.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

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CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment C is being transmitted by facsimile to the United States Patent and Trademark Office, Technology Center 1700, Art Unit 1724, Attn: Thomas M. Lithgow, (703) 872-9310 on April 2, 2003.

Dated: April 2, 2003

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